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RECENT CASES.

BASTARDY—EVIDENCE—BASTARD CHILD—RESEMBLANCE.—*Shailer v. Bullock*, 61 Atl. 65 (CONN.).—*Held*, that in a prosecution for bastardy, the alleged bastard child, ten months of age, was admissible in evidence to show a resemblance of features between it and defendant, alleged to have been its father.

Admissibility of child as evidence in such proceedings recognized in England without question. *Douglas Case*, 2 Harqt. Collect Jurid. 402. In United States weight of authority supports English ruling. *Gilmantan v. Haw.* 38 N. H. 108; *Scott v. Donovan*, 153 Mass. 378; *State v. Woodruff*, 67 N. C. 89. *Contra*: *Clark v. Bradstreet*, 80 Me. 454; *Hanawalt v. State*, 64 Wise 84. Main objection in such cases appears to be that child was too young to bear reliable resemblance. Some states admit child in evidence for such purpose only when it has attained some degree of maturity. Child two years and one month old admitted in *State v. Smith*, 54 Iowa, 104. but in same state child three months old not admitted. *State v. Danforth*, 48 Iowa 331. Rule is well established that a child is admissible as evidence to show face characteristics. *Danford v. Guy*, 23 Ark. 50; *Bryan v. Walton*, 20 Ga. 480; *Warlick v. White*, 76 N. C. 175. Where fact of resemblance has been regarded by the court as having probative value, the production of the child for the better apprehension of the resemblance has been treated as proper. *Wigmore on Evidence*, page 1349.

CARRIERS—EJECTION OF PASSENGER—PUNITIVE DAMAGES.—RICHARDSON V. ATLANTIC COAST LINE R. R., 51 S. E. 261. (S. C.).—Where a passenger buys a ticket to a station which the ticket agent tells him is on the main line, and, on changing cars is shown by a person in uniform a train for his destination, but after it starts is told by the conductor that it is a through train and will not stop, and is put off with only what force is necessary, on refusal to pay the additional fare to the next stopping point, and is again received on payment and carried to the station beyond—*Held*, he is entitled to damages. Woods. J. *Dissenting*.

Where a failure to have a proper ticket is the fault of the ticket agent passenger is under no duty to pay additional fare and thus avoid trouble. *Head v. Geo. Pac. Ry.*, 79 Ga. 358; *Murdock v. B. & A. R. R.*, 137 Mass. 293; *L. & N. R. R. v. Breckenridge*, 90 Ky. 1. That he is obliged to pay the additional fare. *Penn R. R. Co. v. Lenhart*, 120 Fed. 61 (Ill.); *Sprenger v. Tacoma R. Co.*, 15 Wash. 660; *Peabody v. O. R. & N. Co.*, 21 Or. 121. If passenger, under such circumstances, leaves the train he has the right to sue. but if he chooses to go on after ejection he cannot recover. *Lake Shore & M. C. Ry. v. Pierce*, 47 Mich. 277. Even if misinformed by ticket agent, if conductor correctly informs him before the train starts he would have no ground for action. *I. & G. N. Ry. Co. v. Hassell*, 62 Tex. 256. It is the duty of passengers to inquire of trainmen and of trainmen to warn passengers not to board or remain on the wrong train. *Bahm v. D. S. S. & Atl. Ry.*, 91 Wis. 592. In such a suit evidence must be admitted showing the passenger's good faith in riding according to the information given by the ticket agent.